

# City Council Agenda

Council President  
**Jerry Duncan**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun, Ph.D.**  
**Mike Dages**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

**Henry T. Perea – Acting President**  
**Cynthia Sterling**  
**Larry Westerlund**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**June 27, 2006**

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

## **8:30 A.M. ROLL CALL**

Invocation by Grace Young of Baha'i Faith

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Proclamation of "FRESNO FUEGO SOCCER TEAM DAY" – Councilmember Dages

Presentation of a Resolution of Commendation to Ron Parenti – Councilmember Sterling

Proclamation Recognizing Maria Trevino, Departing President of the Women Peace Officers' Association (WPOA) - Acting President Perea

Recognition of Supervisors Academy Graduates – City Manager's Office

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of June 15, 19 and 20, 2006

**Action Taken:**

Councilmember Reports and Comments

**Action Taken**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. \* Authorize the Chief of Police to enter into an amendment to agreement with W. Solutions, Inc. (formerly known as Wellness Solution, Inc.,) for the purpose of continuing a health fitness program for the Police Department for three months - Police Department  
**Action Taken:**
- B. Approve an inter-departmental transfer of 76.81 acres of real property from the Department of Public Utilities, Wastewater Management Division, to the Police Department for the development of a Regional Public Safety Training Center – Police Dept.  
**Action Taken:**
- C. **RESOLUTION** - Of intention to annex Final Tract No. 5294 to the City of Fresno Community Facilities District No. 2, Annexation No. 129 and setting the public hearing for August 15, 2006 at 10:00 a.m. (***Property located in District 5***) – Public Works Dept.  
**Action Taken:**
- D. **RESOLUTION** - Of intention to annex Final Tract No. 5229 to the City of Fresno Community Facilities District No. 2, Annexation No. 117 and setting the public hearing for August 15, 2006 at 10:00 a.m. (***Property located in District 6***) – Public Works Dept.  
**Action Taken:**
- E. **RESOLUTION** - Of intention to annex Final Tract No. 5555 as Annexation No. 9 to City of Fresno Community Facilities District No. 11 and setting the public hearing for July 18, 2006 at 10:00 a.m. (***Property located in District 2***) – Public Works Dept.  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. **RESOLUTION** - Of intention to annex Final Tract No. 5342 as Annexation No. 8 to City of Fresno Community Facilities District No. 11 and setting the public hearing for July 18, 2006 at 10:00 a.m. ***(Property located in District 3)*** – Public Works Dept.  
**Action Taken:**
- G. **RESOLUTION** - Of intention to annex Final Tract No. 5287 to the City of Fresno Community Facilities District No. 2, Annexation No. 128 and setting the public hearing for August 15, 2006 at 10:00 a.m. ***(Property located in District 5)*** – Public Works Dept.  
**Action Taken:**
- H. **RESOLUTION** - Approving the summary vacation of portions of a water utility easement located at Fashion Fair ***(Property located in District 4)*** – Public Works Dept.  
**Action Taken:**
- I. \* Approve a contract for utility relocation on Freeway 180 West between City of Fresno and California Department of Transportation (Caltrans) – Public Works Dept.  
**Action Taken:**
- J. \* Approve an agreement with the Vernal Group in the amount of \$130,500 for the preparation of plans, specifications and cost estimates for improvements to the Municipal Service Center annex – Public Works Dept.  
**Action Taken:**
- K. Reject all bids for a requirements contract to remove and/or install granular activated carbon – Department of Public Utilities  
**Action Taken:**
- L. \* Approve assignment of land and Fresno Yosemite International (FYI) building lease and agreement from Warren F. Maguire, Jr. and Katherine L. Maguire to Vinay Vohra and Vikram Vohra – Airports Dept.  
**Action Taken:**
- M. **RESOLUTION** - Authorizing the application for Fiscal Year 2006 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness “Assistance to Firefighters” staffing for adequate fire and emergency response (SAFER) grant funding and authorizing completion of documents – Fire Department  
**Action Taken:**
- N. **RESOLUTION** - Approving the Final Map of Tract No. 5442 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents ***(Property located in District 5)*** – Planning and Development Dept.  
**Action Taken:**
- O. \* **RESOLUTION** – 18th amendment to Salary Resolution 2005-290 modifying the salaries in Exhibit 1, Non-Supervisory Blue Collar and adding the classifications of Collection System Maintenance Operator I, Collection System Maintenance Operator II, and Collection System Maintenance Operator III – Personnel Services Department  
**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- P. \* **RESOLUTION** – 17th amendment to Salary Resolution 2005-290 adding two (2) classifications - Helicopter Pilot-In-Training and Helicopter Pilot - Personnel Services Department

**Action Taken:**

- Q. **RESOLUTION** - Concerning Local Transportation purpose funds “Measure C” – Finance Department

**Action Taken:**

- R. \* Select the proposal of Loomis, Fargo & Co. Fresno for armored transport services – Finance Department.

**Action Taken:**

2. **CONTESTED CONSENT CALENDAR**

3. **CITY COUNCIL**

- A. **RESOLUTION – (For introduction)** - Proclaiming its endorsement of the U. S. Mayors’ Climate Protection Agreement – Councilmember Calhoun

**Action Taken:**

- B. Consider increase in Councilmember compensation – Councilmember Boyajian

**Action Taken:**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

1. Appearance by representatives of American Yellow Cab to discuss modification of taxi cab regulations
2. Appearance by Dr. David J. Howard to discuss an issue at the Hinton Center
3. Appearance by Donald F. Jadoon to request the City of Fresno maintain property located on the north side of Shepherd between Maple and Chestnut Avenues

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. **GENERAL ADMINISTRATION**

- A. \* Approve extension of management agreement with SMG for management services at the City’s Convention Center facilities – City Manager’s Office

**Action Taken:**

- B. Authorization to proceed with the formation of a Utility Commission – Dept. of Public Utilities

**Action Taken:**

1. **RESOLUTION** - Approving the establishment of Council policy to increase utility fees, i.e., Water, Sewer/Wastewater, Solid Waste and Community Sanitation, and direction related to process for initiation

**Action Taken:**

- C. \* Award a contract in the amount of \$2,198,752.26 for the base bid plus add alternates 1 - 4 to Adesta of San Leandro, California, for construction of infrastructure for the Traffic Signal Synchronization System Phase III – Public Works Dept.

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**9:15 A.M.**

### **GENERAL ADMINISTRATION CONTINUED**

- D. \* **RESOLUTION** – Supporting the proposed establishment of a Municipal Restoration Zone within the City of Fresno and directing staff to prepare the enabling documents – Economic Development Dept.

**Action Taken:**

- E. \* **RESOLUTION** – Adopting findings regarding an emergency exemption to CEQA (Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) to award an additional six month extension to the existing interim six month contract to McCarthy Family Farms for the beneficial reuse of a portion of the City's biosolids – Department of Public Utilities

**Action Taken:**

**9:45 A.M.**

Presentation by the Fresno Council of Fresno County Governments (COG) regarding Measure "C" Extension Plan

**Action Taken:**

- a. \* **RESOLUTION** - Approving the Council of Fresno County Governments Measure "C" Extension (1/2 cent sales tax for transportation purposes) Expenditure Plan and supporting placement of the Measure "C" sales tax extension on the November 2006 ballot

**Action Taken:**

**10:00 A.M.#1a.**

Consider the Maintenance Agreement for proposed special tax district (Community Facilities District No. 12 - Copper River Ranch)

1. \* Authorize the Director of Public Works to enter into a Maintenance Agreement for Copper River Ranch Special Tax District upon completion of Communities Facilities District No. 12 formation

**Action Taken:**

**10:00 A.M.#1b.**

**HEARING** to consider the formation of a special tax district (Community Facilities District No. 12 - Copper River Ranch); authorize levy of special taxes

1. **RESOLUTION** - Of formation to establish Community Facilities District No. 12 and to authorize levy of a special tax

**Action Taken:**

2. **RESOLUTION** - Calling special mailed-ballot election

**Action Taken:**

3. **RESOLUTION** - Declaring election results

**Action Taken:**

4. \* **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 12

**Action Taken:**

**10:00 A.M.#2**

**CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 121, Tract No. 5300 (*Property located in District 3*) - Public Works Dept.

**Action Taken:**

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

**Action Taken:**

- b. **RESOLUTION** - Calling special mailed-ballot election

**Action Taken:**

- c. **RESOLUTION** - Declaring election results

**Action Taken:**

- d. \* **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 121

**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:15 A.M. HEARING** to consider Rezone Application No. R-04-100, and environmental findings, filed by the Taylor Group on behalf of Fresno Christian Schools, pertaining to 7.33 acres of property located on the south side of E. Alluvial Avenue between N. Cedar and N. Maple Avenues (***Property located in District 6***) – Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-04-100/C-04-273, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/ conditions of zoning*) zone district to the R-3/UGM (*Medium Density Multiple Family Residential/Urban Growth Management*) zone district

**Action Taken:**

**10:20 A.M. HEARING** to consider Rezone Application No. R-05-51, and environmental findings, filed by Rabe Engineering, Inc., on behalf of Tom Spino, pertaining to approximately 34.2 gross acres (26.14 net acres) of property located on the east side of N. Cornelia Avenue between W. Clinton and W. Shields Avenues (***Property located in District 1***)

**Action Taken:**

- a. Consider and adopt Environmental Assessment No. R-05-51/T-5512 , Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

**Action Taken:**

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

**Action Taken:**

**11:00 A.M.** Presentation of Empowerment Zone Annual Report by Frank Gallegos, Chairman of the Board

**11:15 A.M.** Discussion and direction regarding Public Utilities rates – Council President Duncan

**2:00 P.M. CONTINUED BUDGET HEARING**

**A. Action on the FY 2006-2007 Budget and related items**

1. \* **RESOLUTION** - Adopting FY 2006-2007 City of Fresno budget, including the Community Development Block Grant (CDBG) budget, and including the Annual Appropriation Resolution (AAR)  
**Action Taken:**
2. \* **RESOLUTION** - Adopting the FY 2006-2007 Position Authorization Resolution (PAR)  
**Action Taken:**
3. \* **RESOLUTION** - Adopting the 440<sup>th</sup> amendment to the Master Fee Schedule (MFS) Resolution No. 80-420  
**Action Taken:**
4. \* **BILL - (*For introduction and adoption*)** - Adopting the Property Tax Override (PTO) Ordinance  
**Action Taken:**
5. \* **RESOLUTION** - Selection of methodology for determination of FY 2006-2007 Gann Appropriation Limit  
**Action Taken:**

2:00 P.M.

**CONTINUED BUDGET HEARING**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

6. \* **RESOLUTION** - Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules - FY 2006-2007 Salary Resolution  
**Action Taken:**
7. **RESOLUTION** - Approving submission of the Fiscal Year 2007 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for use of Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Shelter Grant (ESG), and the American Dream Downpayment Initiative (ADDI) program funds and authorizing the City Manager to sign all implementing documents required by HUD - Planning and Development Dept.  
**Action Taken:**

**B. BUDGET HEARING OF THE REDEVELOPMENT AGENCY**

1. **RESOLUTION** - Appropriating the FY 2006-2007 budget, to the Redevelopment Agency of the City of Fresno in the amounts set forth herein for approved projects; activities, and other such purposes and expenditures as may be budgeted by the Redevelopment Agency of the City of Fresno (***Agency action***)  
**Action Taken:**
2. Approve the allocation of \$50,000 from the Redevelopment Agency for the Entrepreneurial Opportunity Competition
  - a. **RESOLUTION** – Appropriating \$50,000 from the Redevelopment Agency for the Entrepreneurial Opportunity Competition contingent upon receipt of matching funds from private sector (***Agency action***)  
**Action Taken:**

**ADJOURN BUDGET HEARING AND CONVENE IN REGULAR AGENCY SESSION**

2:15 P.M.

**REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

Approve Agency minutes of June 20, 2006

**Action Taken:**

- A. Consider a License Agreement with Crown Contracting Company, Inc. for the temporary use of the Agency owned vacant property at the Southwest corner of Backer and Kings Canyon Rd, known as Assessor Parcel Number 470-081-06; within the Southeast Fresno Revitalization Redevelopment Project Area, and Authorize the Executive Director to Execute the License Agreement (***Agency action***) (***Property located in District 3***)  
**Action Taken:**
- B. Consider bids received for the demolition and clearance of buildings at 1260 "A" Street within the Southwest Fresno GNRA Redevelopment Project Area (***Agency action***) (***Property located in District 3***)  
**Action Taken:**

**ADJOURN REGULAR AGENCY**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

2:30 P.M.

### **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, subdivision (b)  
**Significant Exposure to Litigation:**  
1. County of Fresno v. City of Fresno claim; City of Fresno v. County of Fresno claim  
**Action Taken:**
- B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)  
1. **Case Name:** City of Fresno v. Fresno Certified Development Corporation  
2. **Case Name:** City of Fresno v. Joyce Anne Shumaker  
3. **Case Name:** Holly Louen v. Brian Twedt - FSC 04CECG01384 RLP  
Holly Louen v. Brian Twedt and City of Fresno;  
USDC Case CIV-F-04-6556 REC SMS  
Brian Twedt v. Holly Louen - Fifth Appellate District Case F047132  
Brian Twedt and Vicki Twedt v. Laura M. Guzman-Magill & Mike Louen;  
FSC Case 05CECG01958  
4. **Case Name:** David Anthony Rendon v. Fresno Police Department, et al.  
Gabriel and Rebecca Rodriguez v. City of Fresno, et al.;  
USDC Case 1:05-CV-00661 OWW DLB  
Lupe E. Martinez and Ralph C. Rendon v. City of Fresno;  
USDC Case 1:06-CV-00233 OWW DLB  
**Action Taken:**
- C. CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6  
**City Negotiator:** Kenneth Phillips, Terry A. Bond  
**Employee Organizations:**  
1. Fresno Police Officers Association (FPOA)  
2. Amalgamated Transit Union, Local 1027 (ATU)  
3. City of Fresno Professional Employees Association (CFPEA)  
4. City of Fresno Management Employees Association (CFMEA)  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

July	4 -	<b>NO MEETING – COUNCIL VACATION</b>
July	11-	<b>NO MEETING – COUNCIL VACATION</b>
July	17 -	<b>2:00 P.M. SPECIAL MEETING</b> to consider override and reconsideration of budget issues
July	18 -	<b>8:30 A.M.</b> Presentation of P.R.I.D.E. Team Certificates – Summer Quarter
July	18 -	<b>10:00 A.M.#1 CONTINUED HEARING</b> re: CFD No. 2, Annexation No. 122, Tract No. 5169
July	18 -	<b>10:00 A.M.#2 HEARING</b> re: Community Facilities District No. 2, Annexation No. 124, Tract No. 5377
July	18 -	<b>10:00 A.M.#3 HEARING</b> re: Community Facilities District No. 2, Annexation No. 125, Tract No. 5340
July	18 -	<b>10:00 A.M.#4 HEARING</b> re: Community Facilities District No. 2, Annexation No. 126, Tract No. 5477
July	18 -	<b>10:00 A.M.#5 HEARING</b> re: Community Facilities District No. 2, Annexation No. 127, Tract No. 5376
July	18 -	<b>10:00 A.M.#6 HEARING</b> re: Community Facilities District No. 11, Annexation 8, Tract No. 5342
July	18 -	<b>10:00 A.M.#7 HEARING</b> re: Community Facilities District No. 11, Annexation 9, Tract No. 5555
July	18 -	<b>10:40 A.M. HEARING</b> re: Rezone Application No. R-05-111 Tract No. 5622, south side of W. Shields between N. Hayes and N. Polk
July	18 -	<b>10:45 A.M. HEARING</b> re: Rezone Application No. R-05-89, filed by Centex Homes
July	18 -	<b>3:00 P.M. HEARING</b> re: approval of a Disposition and Development Agreement with the Better Opportunities Builder, Inc.



# **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

July	20 -	8:30 A.M.	<b>JOINT MEETING</b> with the County Board of Supervisors regarding Police/Sheriff merging of Services at <b>Cornerstone Conference Center</b>
July	25 -	10:00 A.M.	<b>CONTINUED HEARING</b> to consider Rezone Application No. R-05-61, filed by Centex Homes on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled
July	25 -	10:30 A.M.	<b>HEARING</b> re: intention to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1
July	25 -	10:30 A.M.	<b>HEARING</b>
July	25 -	10:35 A.M.	<b>HEARING</b> re: Text Amendment Application No. TA-06-01 amending the text of the Fresno Municipal Code Zoning ordinance regarding the reconstruction of a nonconforming residential building in an industrial zone district
July	25 -	10:45 A.M.	<b>CONTINUED HEARING</b> to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control
July	25 -	4:00 P.M.	2006 Cycle I Trimester Plan Amendment hearings
August	1 -		<b>NO MEETING – COUNCIL VACATION</b>
August	8 -		<b>NO MEETING – COUNCIL VACATION</b>
August	15 -	10:00 A.M.#1	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 128, Tract No. 5287
August	15 -	10:00 A.M.#2	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 129, Tract No. 5294
August	15 -	10:00 A.M.#3	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 117, Tract No. 5229
August	15 -	10:05 A.M.	<b>HEARING</b> re: vacation of Inyo Avenue, the Balch-Inyo Alley, and the Inyo-Mono Alley, all between Chestnut and Garden Avenues